

Wastewater Permitting Program – Improvements and Measures



State of Oregon
Department of
Environmental
Quality

Water Quality Division Surface Water Management

811 SW 6th Avenue
Portland, OR 97204
Phone: (503) 229-5696
(800) 452-4011

Fax: (503) 229-5850
Contact: Chris Clipper
<http://www.oregon.gov/DEQ/>

DEQ is a leader in restoring, maintaining and enhancing the quality of Oregon's air, land and water.

Background

To improve the issuance of wastewater discharge permits and address concerns about the number of backlogged permits in the Oregon Department of Environmental Quality's water quality permit program, the 2005 Oregon Legislature passed Senate Bill 45. Senate Bill 45 was based on recommendations made by the Blue Ribbon Committee on Wastewater Permitting which was comprised of industry, environmental and local government representatives. The committee, working with DEQ, recommended that DEQ implement program changes over a four-year period, to accomplish the following:

- Create a watershed-based permitting cycle to improve permit planning, accountability and follow-up, as well as integration with other water quality programs;
- Provide for up-to-date, consistent wastewater permitting to improve the timeliness and quality of DEQ-issued permits
- Develop a strong, effective and appropriate compliance and enforcement program; and
- Report annually on progress made to the Oregon Environmental Quality Commission and Legislature.

This report satisfies DEQ's commitment to annually report progress. The full report can be found at:

<http://www.deq.state.or.us/pubs/legislativepubs/2011/WastewaterPermitting.pdf>

DEQ's Wastewater Permitting Program

DEQ is responsible for protecting and restoring Oregon's waters, and carries out the federal Clean Water Act in Oregon. DEQ's wastewater permitting program protects Oregon's waters from pollution discharged by "point sources." Point sources are sources that discharge wastewater into surface water or onto land through a pipe or a discernible channel. These point sources operate under terms of a federal National Pollutant Discharge Elimination System (NPDES) permit or state Water Pollution Control Facilities (WPCF) permit issued by DEQ. DEQ issues permits for more than 4,400 facilities.

Permit Program Update

1. Administering the Wastewater Permit Program with a Watershed Approach

Goal: Conduct permitting, monitoring and inspections in particular watersheds on a set schedule.

Status: DEQ has developed an annual watershed-based inspection plan, and aligned the inspection plan with the watershed permit issuance plan, by inspecting smaller facilities the year before their permit is scheduled for renewal. DEQ set a goal to inspect at least 50% of all permits for large municipal facilities and industrial facilities, and all permits for smaller facilities in selected watersheds. DEQ did not meet this goal inspecting only 47% larger facilities and 273 smaller facilities during 2010. DEQ set a goal of contacting 100% of facilities two years before their permit renewal date in order to get early involvement and collect data. During 2010, DEQ contacted 65% of facilities at least two years before their renewal date. DEQ has also committed to focusing on one watershed per year in each of DEQ's three regions to address water quality protection in a comprehensive manner. In each of these watersheds, DEQ is working to integrate multiple water quality programs as well as applicable programs that focus on air and land quality. DEQ will develop water quality status reports and subprogram action plans in one geographic area in each of DEQ's three regions per year, and will cover the state over a five year period. As part of this effort, data needs will be identified – including data that point sources can collect as part of their permit applications. The first of these efforts began during 2009 in the Deschutes basin. In 2010, the Deschutes, North Coast and Rogue Basins were addressed.

2. Issuing Permits on a Watershed Basis

Goal: Issue 95% of targeted individual wastewater permits on a watershed basis by the end of 2010.

Status: Legal issues caused DEQ to delay the issuance of permits over the past several years, preventing DEQ from meeting its goal. Following the resolution of legal issues and disputes, a revised plan was developed in January 2010. DEQ designated 89 permits (individual NPDES and WPCF) for reissuance in 2010 in the revised plan, and 77 were reissued. The goal of the revised plan is to issue 80% of the total number of watershed cycle permits by 2014.

3. Level of Permit Backlog

Goal: Reduce the backlog for major individual NPDES permits to 10%.

Status: DEQ was on track to meet this goal by the end of 2007 until EPA objected to DEQ's permit language and DEQ became engaged in several lawsuits. Those lawsuits were resolved in late 2009 and 2010. The major NPDES permit backlog decreased to 71% at the end of 2010 – compared to 76% at the end of 2009. Overall permit backlog, which includes all major, minor and general WPCF and NPDES permits, was 23% at the end of 2010.

4. Timeliness of Applying General Permit Coverage to Applicants

Goal: Assign general permit coverage within 30 days of receiving a new application, or within 30 days after the close of the public comment period for applicable stormwater permits.

Status: During 2010, the average time to assign coverage for applicants to a general permit was 43 days. 91% of new permit applicants were registered within 30 days.

5. Timeliness of Review and Tracking of Discharge Monitoring Reports

Goal: Review Discharge Monitoring Reports (DMRs) for individual permits within 30 days of receipt.

Status: DEQ now tracks DMRs for major sources electronically. A DMR Evaluation Report is generated monthly and identifies any monitoring requirements that may be missing, exceedance of permit limits, and any information that needs to be further examined. The information provided assists the permit writers and inspectors in the review of DMRs for major sources and makes the process more efficient. During the fourth quarter of 2010, DEQ reviewed 89% of the DMRs for the 68 major sources within 30 days of receipt. DEQ still tracks and reviews DMRs for minor sources manually, which is time consuming but necessary to ensure each is reviewed. DMRs for the minor sources are not being entered into DEQ's database due to the volume of data involved. In order to generate a DMR Evaluation Report for minor sources, DEQ must develop the capability to receive DMR information electronically. To develop this capability, DEQ has started a project that will provide a web-based portal allowing permitted sources to submit all required DMR documentation electronically.

6. Timeliness of Issuing Permit Noncompliance Notifications

Goal: DEQ does have an interim timeliness goal of 10 days after an inspection is completed to issue Warning Letters or Pre-Enforcement Notices, though those goals are currently informal guidelines until the Agency Compliance and Enforcement System (ACES) is operational. DEQ will set final timeliness goals once ACES is functional and DEQ can use the database information to assess status, set baselines, and develop reasonable targets.

Status: DEQ is in the early planning stages for developing the ACES that will be able to store, track, and retrieve noncompliance information from DEQ's Land Quality, Air Quality and Water Quality programs. Until the database is complete, DEQ staff will track noncompliance notifications through other means.